

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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CLERK-ALBUQUERQUE

NGX COMPANY,

Plaintiff,

vs.

No. CIV-05-01120 WJ/RLP

G.B. PETROLEUM SERVICES, LLC,
GREAT BASIN PETROLEUM SERVICES, L.P.,
and GREAT BASIN PETROLEUM SERVICES, INC.,

Defendants.

PROVISIONAL DISCOVERY PLAN

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on March 8, 2006, at 2:00 p.m. a.m. and was attended by:

Bryan J. Davis for Plaintiff, and

John R. Cooney for Defendant.

2. Discovery Plan. The parties jointly propose to the Court the following discovery plan: **The parties intend to propound written discovery on each other and take depositions of witnesses.**

Discovery will be needed on the following subjects:

- A. **Plaintiff believes discovery will be needed concerning the identity of the parties to the contract at issue, and whether Defendant was acting**

20

on behalf of or in concert with other entities. Defendant denies that such discovery will be needed;

B. Plaintiff's substantive claims, Defendant's defenses and Defendant's counterclaim;

C. The Parties' alleged damages.

All discovery commenced in time to be completed by _____. Discovery on (issue for early discovery) to be completed by not applicable.

Maximum of 30 interrogatories by each party to any other party.

Maximum of 30 requests for admission by each party to any other party.

Maximum of 20 depositions by Plaintiff and 20 by Defendants. excluding expert witness depositions.

Each deposition (other than of experts) limited to maximum of 6 hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) due:

from Plaintiff by _____

from Defendants by _____

Supplementation under Rule 26(e) due: _____

3. Other Items.

The parties request a settlement conference in _____.

The parties request a pretrial conference in _____.

Plaintiff should be allowed until July 1, 2006, to join additional parties and until July 1, 2006, to amend the pleadings.

Defendants should be allowed until August 1, 2006, to join additional parties and until August 1, 2006, to amend the pleadings.

All potentially dispositive motions should be filed by _____.

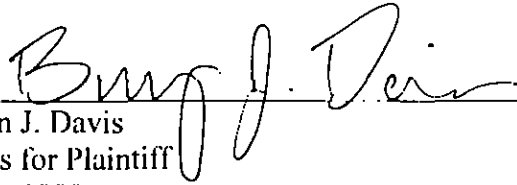
Plaintiff shall provide the Pretrial Order to Defendants by _____, and Defendants shall submit to the Court by _____.

Settlement cannot be fully evaluated until after discovery.

Respectfully submitted.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By


Bryan J. Davis
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MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A.

By Electronic Approval on March 16, 2006

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